

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal Case No. 24-85 (DWF/DLM)

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
JAMES ANTHONY KROGER, )  
)  
Defendant. )

**DEFENDANT'S MOTION FOR  
RELEASE FROM DETENTION**

Defendant James Kroger, through undersigned counsel, hereby moves the Court to reopen his detention and order his release. This motion is made pursuant to the Court's detention order which specifically directed Mr. Kroger to be "evaluated by a competent mental health professional to advise the court of any further conditions that may be imposed to forestall additional similar conduct by Mr. Kroger" (Doc. 24 at 4), and pursuant to 18 U.S.C. § 3142(f) which permits the Court to reopen the detention hearing based on material information that was not known to the movant at the time of the hearing. A mental health evaluation by has been conducted by an experienced forensic psychologist whose report is attached to this Motion (filed under seal). The report makes clear that Mr. Kroger's mental health conditions do not render him a danger to the community, and that is amenable to following any restrictions that the Court imposes to forestall the conduct that has caused concern. Mr. Kroger respectfully requests that he be promptly be released with conditions that the Court deems necessary, or a hearing to the

extent necessary that the Court needs further information about his mental health condition and his ability to follow conditions imposed.<sup>1</sup>

This motion is based on all files, records and proceedings.

Dated: May 20, 2024

LAW OFFICE OF JORDAN S. KUSHNER

By s/Jordan S. Kushner  
Jordan S. Kushner, ID 219307  
Attorney for Defendant  
431 South 7th Street, Suite 2446  
Minneapolis, Minnesota 55415  
(612) 288-0545

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<sup>1</sup> Mr. Kroger has a pending motion to revoke or amend the detention order. (Doc. 38). Mr. Kroger maintains this challenge to the validity of the detention order. The Court may choose to revoke the detention order and release him independently of the mental health evaluation. In the alternative, the Court may consider the mental health evaluation as further support for his release.